

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

September 9, 2015
9:00 a.m.

Members present: Chairman Gilbert, Councilors: Boisvert, Butler, Clark, Gegas, Henderson, Hinds, Joubert, O'Brien, Rawnsley, and Varotsis

Members absent: Councilors Beaurivage and Hardy

Also present were Paula Scott, Appeals Clerk and Carolyn Guerdet, Council Clerk

Councilor Gilbert called the meeting to order at 9:04 a.m.

1. Approval of Minutes of the June 10, 2015 Meeting

- *Councilor Rawnsley made a motion to accept the minutes of the June 10, 2015, second by Councilor Hinds. Motion passed unanimously. Councilors Gilbert, Butler, Gegas, O'Brien abstained.*

2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

I. New Appeals

Docket No. 15-04 WC (PNA) – Woodmere Association, Inc. Appeal

Re: 3/3/15 Administrative Order No. 15-005 WD

Hearing Officer: Not assigned

Status: April 2, 2015 received Preliminary Notice of Appeal (PNA). 5/18/15 received Notice of Appeal. 5/18/15 issued receipt of appeal letter. Appeal was received 76 days after decision was issued as well as there were deficiencies in the appeal. Council denied the motion June 10, 2015. August 11, 2015 issued Decision and Order on Notice of Appeal.

II. Decision and Orders that need to be written finalized and issued.

III. Hearings or PHCs Pending

Dockets No. 12-01 WC – David Sundman, et al.

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb. 9, 2012. 8/27/12 received Stipulation to Dismissal of Appeal of Permit WPS-8289A. 8/30/12 Order regarding Dismissal of Appeal by agreement was issued. In accordance with the dismissal, Docket No. 09-05 WC Dalton Valley Drag, LLC is withdrawn from the Council's docket. The license action is under Reconsideration. November 15, 2013 issued letter regarding request for hearing, which states that the matter is not within the Water Council's jurisdiction. August 4, 2014 received request to schedule PHC. 8/6/14 issued Notice of PHC scheduled for Sept. 8, 2014. 8/18/14 received Appellant's Partially Assented-to Motion to Continue Prehearing Conference. 8/25/14 issued letter granting Motion to Continue

and reschedule PHC for Sept. 29, 2014 at 1 p.m. 9/19/14 received withdrawal of counsel for DES-Allen Brooks and Appearance of counsel for DES-Christopher Aslin. 9/19/14 received Assented-to Motion to Intervene. November 18, 2014 received Assented-to Emergency Motion for Extension. 11/1/14 issued letter granting Eminency Motion for Extension. 11/26/14 received Amended Notice of Appeal. 12/10/14 issued ruling on amended Notice of Appeal and new Deadlines. 12/24/14 received Assented-to Motion to Stay Pre-hearing Conference and hearing. 12/30/14 issued letter granting Motion and scheduling PHC for 4/16/15 at 8:30 a.m. February 13, 2015 received Appellants' Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment. 2/27/15 received DES' Partial Objection to Appellants' Motion for Summary Judgment. March 11, 2015 issued Order Granting Summary Judgment in part. April 10, 2015 received Appearance from Robert Best and Motion for Rehearing. 4/15/15 received Objection to Applicant's Motion for Rehearing. 4/16/15 issued Decision and Order on Motion for Rehearing and issued Notice of Prehearing Conference scheduled for 5/13/15 at 10 a.m. Prehearing Order issued 5/13/15 with hearing scheduled for October 14, 2015 at 10 a.m. 5/15/15 received Request for Waiver of Rules. 5/18/15 issued letter regarding Request for Waiver of Rules. June 3, 2015 received permittee's status update. 6/10/15 issued Notice of Hearing time change per request from the Council. Hearing is now scheduled for October 14, 2015 at 9 a.m. July 2, 2015 received Amended Appearance – Atty. Robert Best and Assented-to motion to Stay All Deadlines. 7/14/15 issued letter granting Assented-to Motion and directing the parties to submit a status report by July 30, 2015. 7/30/15 received Motion for Extension of Stay. 7/31/15 received permittee's status update. August 5, 2015 issued letter with new filing deadlines.

Docket No. 14-02 WC – Monadnock Paper Mills, Inc.

Re: 1/13/14 State Water Quality Certificate, WQC #2013-FERC-001, Conditions

Hearing Officer: David Conley, Esq. assigned on 5/19/14

Recused Members: Carol Henderson and Mike Butler

Status: February 28, 2014 received Notice of Appeal. March 11, 2014 issued receipt of appeal letter. May 5, 2014 received Appearance from Atty. Mary Maloney for DES. Council to accept or dismiss appeal. Appeal was accepted at the May 14, 2014 Council meeting. 5/14/14 issued Appeal accepted letter. 5/20/14 issued Notice of Prehearing Conference (PHC). 5/23/14 received Assented to Motion to Continue PHC. 5/29/14 issued letter granting Motion to Continue and rescheduled PHC for Sept. 10th at 8 a.m. August 13, 2014 received Assented to Motion to continue Prehearing conference. 8/14/14 issued letter granting Motion to Continue and rescheduled PHC for Oct. 27, 2014 at 8:30 a.m. 10/20/14 received Assented-to Motion to Continue PHC. 10/21/14 issued letter granting Motion to Continue and rescheduled PHC for January 12, 2015 at 8:30 a.m. 12/31/14 sent notice of rescheduled Prehearing Conference due to scheduling conflict. PHC is scheduled for 1/16/15 at 11 a.m. 1/4/15 received Assented-to Motion to Continue PHC. 1/6/15 issued letter granting Motion and rescheduling PHC for March 16, 2015 at 11 a.m. February 20, 2015 received Assented-To Motion to Continue Prehearing Conference. March 2, 2015 issued letter rescheduling PHC to June 17, 2015 at 9 a.m. June 11, 2015 received Motion to Continue Pre-hearing Conference. 6/17/15 issued letter granting Motion and rescheduled PHC for September 17, 2015 at 8:30.

Docket No. 15-07 WC (PNA) – Board of Governors of the Black Cat Island Civic Assoc. Appeal

Re: 4/7/15 approval for subdivision #SA2015010642 issued to Goldsmith Children's Trust

Hearing Officer: David Conley, Esq. assigned on 6/16/15

Status: May 4, 2015 received Preliminary Notice of Appeal (PNA). 5/19/15 received Notice of Appeal. 5/20/15 issued receipt of appeal letter. Appeal accepted on June 10, 2015. 6/10/15

issued appeal accepted letter. 6/17/15 issued Notice of Pre-hearing Conference scheduled for 7/13/15 at 10:30 a.m. 6/19/15 received Appearance of Atty. Gretchen Hamel for DES. July 10, 2015 received Appearance of Attys. Jason Reimers and Amy Manzelli for the permittee and Owner's Petition to Intervene. 7/13/15 issued Pre-Hearing Order scheduling hearing for December 9, 2015. August 13, 2015 received Joint Motion to Dismiss. 8/17/15 received Assented-to Motion to Extend Objection Deadline. 8/27/15 Received Objection to Joint Motion to Dismiss.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

None

3. **New Business**

Discussion of hearings, roles, responsibilities, and other council business was discussed. Chairman Gilbert will contact Atty. Anne Edwards for a possible presentation and question and answer segment for one of our next meetings.

a. Env-Dw 303 Groundwater Sources for Bottled Water

Debra Sonderegger and Stephen Roy, Drinking Water Bureau

This is for new groundwater sources for bottled water. There is an interplay with this set of rules and with other groundwater withdrawal permitting rules. Now introducing the ability for the Department to call for a vulnerability assessment. Due to expire September 29, 2015.

4. **Old Business**

5. **Next Meeting**

October 14, 2015 at 8 a.m. with a hearing at 9 a.m.

6. **Adjournment**

Meeting was concluded when the doors were opened and Jim Varotsis was honored for his 43 years of service on the Water Council.